

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Karen I. Ruby
Debtor(s)

Bankruptcy Case No.: 16-21712-CMB
Issued Per June 29, 2017 Proceeding
Chapter: 13
Docket No.: 44 – 39, 40
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 17, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,358 as of July 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of Wilmington Savings Fund Society at Claim No. 4 shall govern as to prepetition arrears, and the monthly post-petition payments shall be based on allowed payment changes of record.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 7, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Karen I. Ruby
 Debtor

Case No. 16-21712-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 18

Date Rcvd: Jul 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 09, 2017.

db +Karen I. Ruby, 605 Murdoch Street, Washington, PA 15301-5247
 cr +PNC Bank, National Association, c/o Brett A. Solomon, Esquire, Tucker Arensberg, P.C.,
 1500 One PPG Place, Pittsburgh, PA 15222-5413
 14225493 +Albert Ruby, 214 Cunningham School Road, Smock, PA 15480-1304
 14285641 ++COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas of PA, P.O. Box 117, Columbus, OH 43216)
 14225495 Capital One Bank, PO Box 30285, Salt Lake City, UT 84130-0285
 14225494 +Capital One Bank, c/o Weltman Weinberg & Reis, CO, LPA, Attn: William Molzcan, Esquire,
 436 7th Ave #2500, Pittsburgh, PA 15219-1842
 14225496 +City of Washington, c/o Portnoff Associates, 1000 Sandy Hill Road, Suite 150,
 Norristown, PA 19401-4181
 14225497 +City of Washington, c/o Portnoff Associates, P.O. Box 391, Norristown, PA 19404-0391
 14242203 +City of Washington, c/o Portnoff Law Associates, Ltd., P.O. Box 3020,
 Norristown, PA 19404-3020
 14225498 +Dr. Webb & Associates, P.C., 42 East Maiden Street, Washington, PA 15301-4912
 14225501 PNC Bank, N.A., PO Box 3180, Pittsburgh, PA 15230-3180
 14225502 +PNC Bank, N.A., One Financial Parkway, Kalamazoo, MI 49009-8002
 14225503 +PNC Bank, N.A., c/o Weltman Weinberg & Reis, CO, LPA, Attn: William Molzcan, Esquire,
 436 7th Ave #2500, Pittsburgh, PA 15219-1842
 14225504 +Rushmore Loan Management Services, P.O. Box 52708, Irvine, CA 92619-2708
 14225505 +Rushmore Loan Management Services, 15480 Laguna Canyon Rd., Suite 100,
 Irvine, CA 92618-2132
 14288252 +Wilmington Savings Fund Society, FSB, c/o Rushmore Loan Management Services, P.O. Box 55004,
 Irvine, CA 92619-5004

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14225499 E-mail/Text: cio.bncmail@irs.gov Jul 08 2017 02:46:03 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 14225506 +E-mail/Text: paul.cressman@phelanhallinan.com Jul 08 2017 02:46:50 Wells Fargo Mortgage,
 c/o Phelan Hallinan, 1617 John F Kennedy Blvd #1400, Philadelphia, PA 19103-1814
 TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Wilmington Savings Fund Society
 cr* +City of Washington, c/o Portnoff Law Associates, Ltd, P.O. Box 3020,
 Norristown, PA 19404-3020
 14225500 ##+Manley Deas & Kochalski LLC, 1400 Goodale Blvd #200, Columbus, OH 43212-3777
 TOTALS: 1, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 09, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 7, 2017 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor PNC Bank, National Association bsolomon@tuckerlaw.com,
 dparanay@tuckerlaw.com/apetronchak@tuckerlaw.com/agilbert@tuckerlaw.com
 Brett A. Solomon on behalf of Defendant PNC Bank N.A. bsolomon@tuckerlaw.com,
 dparanay@tuckerlaw.com/apetronchak@tuckerlaw.com/agilbert@tuckerlaw.com

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 18

Date Rcvd: Jul 07, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Christopher M. Frye on behalf of Plaintiff Karen I. Ruby chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com
Christopher M. Frye on behalf of Debtor Karen I. Ruby chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society bkgroup@kmlawgroup.com
James R. Wood on behalf of Creditor City of Washington jwood@portnoffonline.com,
jwood@ecf.inforuptcy.com
Joshua I. Goldman on behalf of Creditor Wilmington Savings Fund Society
bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9